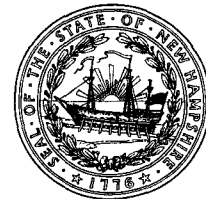




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**LETTER OF DEFICIENCY
WET 06-020**

March 21, 2006

Dennis Marquise
Simpson Development Corp.
PO Box 1081
Norwich, VT 05055

RE: DES Wetlands File #2005-00263 Greensboro Road, Hanover

Dear Mr. Marquise:

On February 28, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above-referenced property, more specifically referenced on Town of Hanover Tax Map 1 as Lot 6 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and compliance with the permit conditions specified in Wetlands and Non-Site Specific Permit 2005-263

During the inspection the following deficiencies were documented:

1. Wetland Crossing #2 was approved for 7,593 square feet of impacts for the installation of two 24" by 40' culverts with associated fill to construct a subdivision road. DES documented approximately 3,525 square feet of additional dredge and fill up gradient of the inlet structure for the expansion of a stormwater control structure and possible construction access road.
2. Wetland Crossing #3 was approved for 4,293 square feet of impacts for the installation of three 24" by 60' culverts with associated fill to construct a subdivision road. DES documented approximately 1,000 square feet of additional dredge up gradient of the inlet structure which was not permitted.

In response, you are requested to take the following actions:

1. By April 30, 2006, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for removal of the additional fill at Crossing #2 and restoring the dredged areas to original grades at Crossing #2 and Crossing #3. Submit the following with the restoration plan:
 - a. A plan with dimensions, drawn to scale, showing:
 - i. Existing conditions, with wetland boundaries; and
 - ii. Proposed conditions after reestablishing the jurisdictional areas;
 - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, *etc.*) and stabilization of the restoration area;
 - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
 - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date; and

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DES Web site: www.des.nh.gov

e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum one monitoring progress report following completion of the restoration project.

2. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the monitoring report.

3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A may result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for imposition of civil penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Linda Magoon
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, please contact Linda Magoon at (603) 271-4056 or by e-mail at lmagoon@des.state.nh.us.

Sincerely,



Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7005 1820 0005 8303 0149

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Hanover Conservation Commission
Hanover Board of Selectmen
USACOE
CLD Consulting Engineers, Inc.